

REMARKS/ARGUMENTS

Favorable reconsideration of the present application is requested in view of the comments and amendments made herein.

Claims 1-7, 9 and 10 were rejected under 35 USC 112, second paragraph as being indefinite. It is believed that the amendments made herein cure any indefiniteness issues in the claims. Accordingly withdrawal of this rejection is respectfully requested.

Claims 1-7 and 9 were rejected under 35 USC 102(b) as being anticipated by Payzant (US 5,937,879). Traversal of this rejection is made for at least the following reasons. The examiner is relying on the top portion of sieve 144 as being equivalent to the claimed collecting part and contends that when the sieve is raised in an upper position, as shown in Fig. 6, liquid flows through screen 138 and then in and around the bottom portion of the sieve, but not through the top portion - or the collecting part. However, this interpretation is not supported. In Col. 2, lines 61-64, Payzant describes how the water flows when the filter is raised. Specifically, Payzant states that "water must still pass through the perforations of either the screen or the filter ...". Further, in Col. 6, lines 44-49, Payzant states that water entering the opening 140 must pass through the perforations independently of the position of the filter. This is stated again at Col. 9, lines 27-35. Accordingly, there is no support for the examiner's position that no liquid passes through the top portion of the filter when in the raised position. On the contrary, it is disclosed several times in Payzant that water entering the top portion of the filter flows out through the perforations on the sides in both positions.

Payzant is directed to getting soiled water out from the dishwasher during draining and stated that larger items can be left in the circulation flow because such items do not affect the quality of the rinse water. In contrast, the present claims are structured to remove these larger items from the rinse liquid flow as applicant discovered that such items can contaminate the rinse water.

Because Payzant does not disclose each and every limitation set forth in claims 1-7 and 9, Payzant cannot anticipate such claims. Withdrawal of this rejection is respectfully requested.

Claim 9 was rejected under 35 USC 103(a) as being unpatentable over Payzant (US 5,937,879). Traversal of this rejection is made for at least the following reasons. Claim 9 depends from claim 1, which is believed to be allowable over Payzant for the reasons discussed above. Accordingly, withdrawal of this rejection is requested.

Claim 10 was rejected under 35 USC 103(a) as being unpatentable over Payzant (US 5,937,879) in view of Taylor, Jr. et al. (US 5,660,195). Traversal of this rejection is made for at least the following reasons. Claim 10 depends from claim 1, which is believed to be allowable over Payzant for the reasons discussed above. Taylor, Jr. et al. does not make up for these deficiencies. Accordingly, claim 10 is believed to be allowable over the combination of Payzant and Taylor, Jr. et al. Withdrawal of this rejection is requested.

In consideration of the foregoing analysis, it is respectfully submitted that the present application is in a condition for allowance and notice to that effect is hereby requested. If it is determined that the application is not in a condition for allowance, the examiner is invited to initiate a telephone interview with the undersigned attorney to expedite prosecution of the present application.

If there are any fees resulting from this communication, please charge same to our Deposit Account No. 16-0820, our Order No. ABE-38790.

Respectfully submitted,

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